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IN THE SENATE OF THE UNITED STATES.

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JANUARY 28, 1858.—Ordered to be printed.

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Mr. STUART made the following

REPORT.

[To accompany Bill S. 100.]

*The Committee on Public Lands, to whom was referred the "petition of H. W. Benham, administrator of the estate of the late John McNiel, praying a confirmation of the title of said McNiel to certain lands," report:*

That they have examined the same, the evidence therewith submitted, and the report made in the same case to the 34th Congress by this committee, and that they concur in the same, as follows:

"It appears that on the 20th of June, 1840, the late John McNiel purchased of Lucius Lyon certain portions of the south fractional half of the northeast quarter of section nineteen, in township seven north, range five west, situated in the State of Michigan. This tract of land being located on the east side of Grand river, and said Lyon, being the owner of a tract of land directly opposite, on the west side of said river, also included in said deed to McNiel certain islands lying in Grand river between said two tracts of land, believing his original purchase of the government included said islands.

"It further appears that said Lyon was in the occupancy of those islands from 1832 to the date on which he deeded them to McNiel, in 1840; since which date they have been in the occupancy of McNiel, or his legal representatives.

"It also appears that in 1856 the largest one of those islands was surveyed by the government surveyor, and the minutes of the same forwarded to the General Land Office, which is designated as island number four, containing 4.21 acres.

"The petitioner, therefore, fearing that the title of said McNiel to said island, and the islets adjacent thereto, may be affected in consequence of said survey, prays that the title of the government to the same be relinquished to the estate of said McNiel.

"The committee being of the opinion that the estate is equitably entitled to the land claimed, accordingly report the accompanying bill, and recommend its passage."

